

## **REMARKS/ARGUMENTS**

In this response, claims 1, 10, 11, 18, and 22 have been amended. Claims 6 and 16 have been cancelled. Therefore, claims 1-5, 7-15 and 17-27 remain pending in this application after entry of the present amendments.

### **Interview Summary**

Applicant's attorney Leeck conducted a telephonic interview with Examiner Trettel on January 13, 2005, in order to address outstanding rejections in the present application. In particular, the structure of the claimed check valve was discussed in light of the Abe (U.S. Patent No. 5,308,163) and Stumpf (U.S. Patent No. 3,638,253) references. The amendments contained in this paper are substantially as suggested by the Examiner, who is thanked for his consideration in this matter.

### **Drawings**

In the Office Action, the Examiner deemed the original drawings informal and requested submission of improved drawings. In response, Applicant includes herewith four sheets of formal drawings to replace the originally-filed drawings. No new matter has been added to the present application by way of the enclosed drawings.

**Claim rejections under 35 U.S.C. § 102**

The Examiner has rejected claims 18, 19, and 22-24 under 35 U.S.C. § 102(b), as being anticipated by Abe (U.S. Patent No. 5,308,163). In response, Applicant has amended independent claims 18 and 22 to further define the recited check valve's structure.

Claim 22, as amended, now calls for a check valve comprising a first side portion and a second side portion registered with the first side portion sealed along two opposite edges to form a first side seal and a second side seal. A top opening and a bottom opening are thereby created. The recited check valve further includes a first valve seal extending from the first side seal and *terminating at the bottom opening* and a second valve seal extending from the second side seal and *terminating at the bottom opening*. First and the second valve seals converge at the bottom opening. Support for the amended claim can be found throughout the application, for instance, at paragraphs [0026]-[0029] of the published version of the present application (i.e., U.S. Patent publication US2004/0064892 A1; see also Figures 3, 4, and 5 therein).

In similar fashion, independent claim 18 has been amended to recite a method of manufacturing an inflatable article including a check valve, the check valve having the side and valve seal configuration now recited in amended claim 22.

The Abe reference describes an inflatable bag with a flat check valve, wherein the valve contains curved heat seals that form T-shapes (Figure 1; column 4, lines 57-68). However, the Abe reference does not disclose valve seals *extending from side seals and terminating at a bottom opening*, as now called for in amended claims 18 and 22.

Therefore, not every element of the invention recited in amended claims 18 and 22 is described in the Abe reference. In addition, the Abe reference provides absolutely no suggestion as to the various benefits of Applicant's claimed check valve structure. Specifically, Abe does not describe nor suggest the structural strength and stability provided by a flexible check valve having the side and valve seal configuration taught and claimed by Applicant. Discussion of such physical characteristics is found throughout the specification (see, e.g., paragraph [0029] in the corresponding publication US2004/0064892 A1).

As claims 18 and 22 now recite patentable subject matter, claims 19 and 23-24, which depend respectively there from, now set forth additional subject matter further defining Applicant's claimed invention over the cited reference. In view of the above amendments and arguments, Applicant therefore requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b).

#### **Claim rejections under 35 U.S.C. § 103**

Claims 1-21 were rejected under 35 U.S.C. § 103(a) over Stumpf (U.S. Patent No. 3,638,253) in view of Abe. As well, claims 25-27 were rejected as being obvious in view of the Abe reference alone.

In the Examiner's interview, the Examiner noted the Stumpf reference was relied on solely for its disclosure of a disposable pillow; the combination of the disposable pillow of Stumpf and the check valve of Abe allegedly making obvious the subject matter

of Applicant's original claims 1-21. However, the recitation in presently-amended claims 1, 11, 18 and 21 of a check valve having valve seals *extending from side seals and terminating at a bottom opening* is not shown nor suggested by either cited reference taken alone or in combination. Neither the Stumpf or Abe reference discloses valve seals extending from side seals and terminating at a bottom opening nor do the cited references, taken alone or in combination, suggest the structural strength and stability benefits of such a check valve configuration. Thus, the obviousness rejection of claims 1, 11, 18 and 21 over Stumpf in view of Abe should be withdrawn. As well, claims depending from claims 1, 11, 18 and 21 should now recite subject matter that further distinguishes the claimed invention over the cited references.

Claims 25-27 were rejected as being obvious over the Abe reference alone as the Examiner alleged Applicant's claimed dimensions, without a showing of criticality, did not provide patentable weight to the claimed invention. However, claims 25-27 depend from claim 21, now amended and distinguished over the Abe reference as described above, and should presently depend from a base claim reciting allowable subject matter. The obviousness rejection of claims 25-27 should thusly be withdrawn.

Finally, claim 6 has been canceled as its subject matter is made redundant by amendment of independent claim 1, from which original claim 6 depended. Likewise, claim 16 has been canceled as its subject matter is made redundant by amendment of independent claim 11, from which original claim 16 depended. Claim 10 has been amended to harmonize terminology and provide appropriate antecedent basis between the subject matter of claim 10 and amended claim 1.

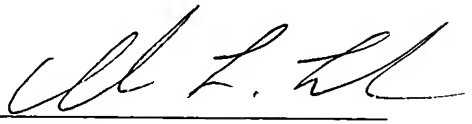
**CONCLUSION**

In view of the amendments and arguments presented herein, Applicant respectfully requests re-consideration of the pending claims and a notice of allowance to timely follow. Applicant encourages the Examiner to telephone the undersigned in the event a telephone discussion would be helpful in advancing the prosecution of the present application. The Director is authorized to charge any additional fees or underpayment of fees regarding this response, including extensions for reply, to Deposit Account 07-1509.

Respectfully submitted,

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